

Application No. 10/521,911
Amendment dated September 2, 2009
After Final Office Action of July 2, 2009

Docket No.: 66967-0052

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to include the reference character 24a in Fig. 1B as requested by the Examiner.

Attachment: Replacement sheet

REMARKS

Applicant has carefully reviewed the Final Office Action mailed July 2, 2009, and thanks Examiner Binda for the detailed review of the pending claims and the indication of allowable subject matter in claim 36. In response to the Office Action, Applicant has amended claim 33, without prejudice or disclaimer. By way of this amendment, no new matter has been added. Claims 27-32 and 51-62 have been cancelled without prejudice or disclaimer as being directed to a non-elected species. Claim 36 has also been canceled, without prejudice or disclaimer. Accordingly, claims 33-35 and 37-50 remain pending in this application. At least for the reasons set forth below, Applicant respectfully traverses the foregoing rejections.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future. Applicant respectfully requests reconsideration of the present application in view of the above amendment, and the following remarks.

Election/Restriction

The Examiner indicated that claims 27-32, 37, 38, 42-44 and 46-62 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicants respectively disagree, in part. Claims 27-32 and 51-62 have been cancelled as being drawn to a nonelected species, and there being no allowable generic linking claim.

However, claims 37-38 and 42-50 all depend from a linking claim, which have been allowed. More specifically, claim 37 depends from allowable claim 36, the limitations thereof being incorporated into pending claim 33. Claims 38 and 42-50 all depend, either directly or indirectly from pending linking claim 35. Accordingly, as these claims all depend from a linking claim, which

has been indicated as being allowable, Applicants respectfully request rejoinder of these claims, as well as allowance of these claims.

Drawing Objections

The Examiner has objected to the replacement drawings filed on October 27, 2008 because Fig. 1B failed to include reference character 24a. Applicants have corrected FIG. 1B to illustrate reference character 24a in the accompanying replacement sheet. Withdrawal of the objection is therefore requested.

Objections to the Specification

The Examiner objected to the specification because the brief description refers to Figs. 1A & 1B only as Fig. 1. Applicants corrected the specification to address the Examiner's objection. Withdrawal of the objection is therefore requested.

Allowable Subject Matter

Claim 36 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In accordance with the Examiner's suggestion, Applicants have amended independent claim 33 to incorporate the limitations of claim 36. Claim 36 has also been cancelled, without prejudice or disclaimer. All remaining pending claims depend either directly or indirectly from amended claim 33. Accordingly, the claim rejections of claims 33-35, 39-41 and 45 are rendered moot such that Applicants request allowance of those claims as well.

CONCLUSION

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to

Application No. 10/521,911
Amendment dated September 2, 2009
After Final Office Action of July 2, 2009

Docket No.: 66967-0052

contact Applicant's representative at the telephone number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66967-0052 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

Dated: September 2, 2009

Respectfully submitted,

By /Kristin L. Murphy/

Kristin L. Murphy

Registration No.: 41,212

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 84362

Attorneys for Applicant

Attachments

Application No. 10/521,911
Amendment dated September 2, 2009
After Final Office Action of July 2, 2009

Docket No.: 66967-0052

REPLACEMENT SHEET

R0659816.DOC